



Norman H. Bangerter
Governor
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Executive Director
Robert L. Morgan
State Engineer

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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September 17, 1992

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SEP 21 1992

DIVISION OF
OIL, GAS & MINING

Jay Marshall
Genwal Coal Company
P O Box 1201
Huntington UT 84528

RE: Stream Channel Alteration Permit Number 92-93-08SA to install a partial flume on Upper Indian Creek.

EXPIRATION DATE: September 17, 1993

Gentlemen:

Your application to Alter Natural Stream Number 92-93-08SA is hereby approved pursuant to the requirements of Section 73-3-29 of the Utah Code Annotated, 1953. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to General Permit 040 issued to the State of Utah by the U.S. Army Corps of Engineers on October 15, 1987.

Work performed under this permit is subject to the following conditions:

1. To avoid hampering fish passage, the flume should be install so that it creates no vertical drops greater than twelve inches. The Division of Wildlife Resources, Southeastern Regional Office, would appreciate Genwal's annual report of measurements taken at this station to aid in fishery management. Their address is 455 West Railroad Avenue, Price UT 84501.
2. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. This can be accomplished either by diverting flows away from the construction area or by constructing sediment control structures. Work should be accomplished during low flow periods.
3. Wet cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. Wet cement or concrete may not be allowed to enter stream flows. Water must be excluded from areas where concrete or cement is used until it has set. Contaminated water pumped from the construction area may not be discharged in a manner to allow it to enter flows. Equipment used during this type of work must be washed well away from the channel.

4. Impacts to the stream channel and surrounding environment must be minimized. Vegetation should not be destroyed, but if some disturbance is necessary, then revegetating with native species will be required, especially replacement of woody shrubs. The channel contours and configuration must not be changed. All excavated materials must be removed to an upland site.

Within 30 days after the completion of this project, the State Engineer's office must be contacted for a compliance inspection. Failure to provide such notification would invalidate U. S. Army Corps of Engineers General Permit 040, thereby placing the applicant in violation of Section 404 of the Clean Water Act.

Arrangements for this compliance may be made through either of the contacts listed below:

Jim Wells
Mark Page

Division of Water Rights/Dam Safety
Regional Engineer

This Decision is subject to the provisions of Rule R655-6 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953 as amended, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

If you have any questions or need further clarification, please feel free to contact Jim Wells at 538-7374.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM/jw/sh

pc: Brooks Carter - Corps of Engineers
Bob Mairley - EPA
Bob Freeman - U. S. Fish & Wildlife
Jim Dykman - State History
Carolyn Wright - State Planning
Mark Page - Regional Engineer
Ken Phippen - Regional Wildlife Habitat Manager
Habitat Manager - Wildlife Resources